

U.S. Application No.: 09/509,626  
AMENDMENT C

ATTORNEY DOCKET: 3926.004

REMARKS

Claims 1-10 are pending. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable for obviousness.

The Examiner's courtesy of a telephonic interview on May 3, 2004, is gratefully acknowledged.

Claim 1 is amended herein to clarify the sequence of events which Applicant considers to be his invention. Care has been taken to ensure that no new matter has been added. Support for the amendment may be found in Claim 1 and Fig. 2 as filed. Entry of the amendment and reconsideration are respectfully requested.

Claims 1-10 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable for obviousness over Erten et al. (US 6,236,862; "Ertan") in view of Taniwa (US 5,220,554) and in further view of various combinations of Krasner (WO 97/14056), Ostman (US 6,069,923), Kim (US 5,963,592), and O (US 6,061,338).

In the Advisory Action, the Examiner maintained the above rejection on the grounds that the claims did not specifically state that the superposing of modulation types must occur after reception by a radio receiver.

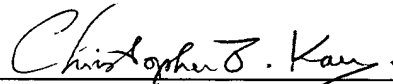
U.S. Application No.: 09/509,626  
AMENDMENT C

ATTORNEY DOCKET: 3926.004

Applicant respectfully asserts that the amendment to Claim 1 herein renders the rejection as to Claim 1 and its dependent claims moot. Withdrawal of the rejection and the mailing of a Notice of Allowability are respectfully requested.

If the Examiner does not consider that the present application is now in condition for allowance, **Applicant hereby requests the courtesy of a telephone interview at the Examiner's convenience**, in which any remaining impediments to issuance may be addressed.

Respectfully submitted,



Christopher J. Kay  
Registration No. 44,820

PENDORF & CUTLIFF  
5111 Memorial Highway  
Tampa, Florida 33634  
(813) 886-6085

Date: May 3, 2004